IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 1729 of 2005

Between:

V.Sowjanya Rani, D/o V.R.Christopher,
R/o HNo.4-16-275, Potti Sriramulu Nagar, Ist Line, Guntur-2.

..... PETITIONER

AND

1 Vice-Chancellor, Nagarjuna University, Namburu Village, Guntur District.
2 Convener, Ed-CET 2003, Osmania University, Hyderabad.
3 Secretary and Correspondent, St.Peter & Ghattamaneni Krishna College of

Education, Burripalem Village, Tenali Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, or writs or order or direction more particularly in the nature of writ of mandamus by declaring the action of the third respondent in not taking any steps to get the allotment of seat in favour of the petitioner regularised in their College by sending necessary proposals to the Nagarjuna University, Guntur District and not sending the name of the petitioner in the list of students appearing for B.Ed. examination commencing from 5-2-2005 in spite of sending the fee to the University, as illegal, arbitrary, violative of principles of natural justice and to direct the respondents to regularise the seat allotment made to the petitioner by third respondent in pursuance of her rank card for the ED-CET 2003, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: SMT.A.ANASUYA

Counsel for the Respondent No.1: MR.T.S.HARNATH

Counsel for the Respondent No.2: Mr.Deepak Bhattacharya

The Court made the following:

ORDER:

The petitioner seeks a Writ of Mandamus declaring the alleged inaction on the part of the 3rd respondent in taking steps to get her admission regularized by the Nagarjuna University, Guntur and not including her name in the list of the students appearing for B.Ed., examination commencing from 05.02.2005 as arbitrary and illegal. The petitioner states that she appeared for the Ed.CET-2003 and was qualified for admission. It appears that one candidate by name N.Sujatha, who was selected by the Convener, Ed.CET-2003 and joined the 3rd respondent-College, discontinued her studies within two months and thus a seat fell vacant. The petitioner having come to know about the said vacancy, made a request to the 3rd respondent-College for admission and in pursuance thereof, the 3rd respondent-College permitted the petitioner to join the course by collecting the fee of Rs.17,000/-, however, no receipt was given by the 3rd respondent-College acknowledging the receipt of the said payment of the fee. It is also stated that she was allowed to attend the classes and that she also did her project work and submitted her records for certification to the 3rd respondent-College. While so, when the examinations were scheduled to be commenced from 05.02.2005, the petitioner was not issued the hall-ticket and was not allowed to appear for the

examination. When enquired about the same, the 3rd respondent-College informed the petitioner that her application for admission was cancelled and her name was not sent to the 1st respondent-University to appear for the examination. Hence, this writ petition seeking the above relief.

The learned Standing Counsel appearing for the respondents 1 and 2 under instructions states that the 3rd respondent-College by letter dated 08.07.2004 informed the 2nd respondent that one seat fell vacant on account of one student, namely, N.Sujatha, discontinued the studies and, therefore, sought permission to allow the said seat to be filled up in the Management quota. In response to the said letter, the 2nd respondent informed the 3rd respondent-College by Memo dated 28.07.2004 that the left over seats, if any, out of the Convener quota shall be filled up only by the Convener, Ed.CET-2003 and, therefore, the 3rd respondent shall approach the Convener, Ed.CET-2003 and it is not feasible to consider the request of the 3rd respondent to fill up the vacant seat under the Management quota. It appears that the 3rd respondent did not approach the Convener, Ed.CET-2003, but strangely allowed the petitioner to take the admission and thereafter by letter dated 21.01.2005 requested the 1st respondent-University to permit the petitioner to write the examination to be held in February and March for the academic year 2003-2004. Since the petitioner's admission is not in accordance with law, it appears that the 1st respondent-University has not considered the request of the 3rd respondent-College.

As can be seen from the above referred correspondence between the 3rd respondent and the 2nd respondent, it is clear that any vacancy which arises during the course of the academic year shall be filled up only by the Convener, Ed.CET-2003 and the admission given by the 3rd respondent-College to the petitioner on its own accord is not in accordance with law. Hence, no Mandamus can

be issued compelling the respondents to permit the petitioner to appear for the examinations.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

Sd/-T. LAKSHMI HEMALATHA

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

TO

1 The Vice-Chancellor, Nagarjuna University, Namburu Village, Guntur District.
2 The Convener, Ed-CET 2003, Osmania University, Hyderabad.
3 The Secretary and Correspondent, St.Peter & Ghattamaneni Krishna College of Education, Burripalem Village, Tenali Mandal, Guntur District.

4. 2CD copies

5. One CC to Mr. Dr. Bhattacharjee, Advocate. (OPUC)

6. One CC to Mr. A. Anasuya, Advocate. (OPUC)

Prk

Dt: 8/2/2005

Order

W.P.No. 1729 of 2005

Dismissing the W.P. without costs.